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for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and for the Estate of Bernard L. Madoff*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

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In re:

BERNARD L. MADOFF,

Debtor.

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IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Plaintiff,

v.

MARILYN BERNFELD TRUST; HERBERT  
BERNFELD RESIDUARY TRUST, in its own  
capacity and as a partner of H&E Company – A  
Partnership and Bernfeld Joint Venture – A  
Partnership; H&E COMPANY – A PARTNERSHIP;  
BERNFELD JOINT VENTURE – A  
PARTNERSHIP; MARILYN BERNFELD, in her

Adv. Pro. No. 10-05143 (SMB)

capacity as a partner of H&E Company – A Partnership and Bernfeld Joint Venture – A Partnership, and as Trustee for the Marilyn Bernfeld Trust and the Herbert Bernfeld Residuary Trust; ELLEN BERNFELD, in her capacity as a partner of H&E Company – A Partnership and Bernfeld Joint Venture – A Partnership; and THOMAS BERNFELD, in his capacity as a partner of Bernfeld Joint Venture – A Partnership,

Defendants.

**ORDER COMPELLING RESPONSES TO DISCOVERY  
AND DEEMING ADMITTED REQUESTS FOR ADMISSION PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 36(a)(3)**

**THIS MATTER** came before the Court on the letter request of Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the estate of Bernard L. Madoff, filed on September 28, 2015 [ECF No. 16] (the “Letter Request”) seeking a conference concerning the failure of defendants (“Defendants”) in the above captioned adversary proceeding (the “Adversary Proceeding”) to serve responses to discovery propounded by the Trustee, and produce documents requested by the Trustee. The Court held a hearing (the “Hearing”) on the Letter Request on Wednesday, October 28, 2015, and granted the Trustee’s Letter Request as an oral motion for entry of an order that the Trustee’s Requests for Admission are deemed admitted and compelling Defendants to serve discovery responses and produce documents. The Court, having granted such motion, it is hereby

**ORDERED** that the Trustee’s First Requests for Admission served on July 15, 2015 are deemed admitted pursuant to Federal Rule of Civil Procedure 36(a)(3); it is further

**ORDERED** that Defendants shall respond to the Trustee’s First Set of Interrogatories and First Set of Requests for the Production of Documents served on July 15, 2015 by

**December 1, 2015.**

Dated: November 2<sup>nd</sup>, 2015  
New York, New York

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN